

HOUSE No. 1676

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Quinn

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to agricultural crop and property destruction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Quinn	9th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1689 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AGRICULTURAL CROP AND PROPERTY DESTRUCTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 242 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by
2 inserting after section 7A thereof the following new section:—

3 Section 7B. Field crop product and agricultural property destruction.

4 (a) Any person who, without permission of the owner, willfully and intentionally removes, damages, or destroys a
5 field crop product and agricultural property situated on the land of another shall be liable to the owner of such
6 product in tort.

7 (b) A party recovering judgment under this section shall be entitled to an award of damages in an amount up to, but
8 not greater than, three times the amount assessed for the removal, damage or destruction of the farm crop product
9 and agricultural property, plus attorney fees and litigation costs. In assessing damages under this subsection, the
10 courts shall consider the market value of the field crop product and agricultural property prior to its removal,
11 damage or destruction, and all costs directly related to the production, research, testing, replacement and
12 development of the field crop product and agricultural property.

13 (c) Damages awarded under this section shall not limit remedies available under chapter 266 or under any other
14 applicable local, state or federal laws.

15 (d) Liability under this section shall not apply to any federal, state or local government agency, including the
16 department of agricultural resources, or to any employee of any such agency acting in the course of their
17 employment.

18 (e) For purposes of this section, a “field crop product” shall mean any product of the soil that is grown in the context
19 of a research or product development program in conjunction or coordination with a private research facility or a
20 university or any federal, state or local governmental agency or any crop produced for commercial purposes on an
21 agricultural operation as defined by M.G.L. chapter 128 Section 1A.

22 (f) For purposes of this section, an “agricultural property” shall mean any implement of husbandry, structure used
23 for the conveyance of water, or structure used in the production, growing, processing of field crop products or
24 keeping and raising of livestock.